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### Deposited in DRO:

02 July 2013

### Version of attached file:

Accepted Version

### Peer-review status of attached file:

Peer-reviewed

### Citation for published item:

Beyleveld, D. (2015) 'Korsgaard v. Gewirth on Universalization: Why Gewirthians are Kantians and Kantians Ought to be Gewirthians.', *Journal of moral philosophy*, 12 (5). pp. 573-597.

### Further information on publisher's website:

<http://dx.doi.org/10.1163/17455243-4681026>

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# Korsgaard v Gewirth on Universalisation: Why Gewirthians are Kantians and Kantians Ought to be Gewirthians

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## Abstract

Christine Korsgaard claims that Gewirth's argument for morality fails to demonstrate that there is a categorically binding principle on action because it operates with the assumption that reasons for action are essentially private. This attribution is unfounded and Korsgaard's own argument for moral obligation, in its appeal to Wittgenstein's Private Language Argument to establish that reasons for action are essentially public, is misdirected and unnecessary. Gewirth's attempt to demonstrate a strictly a priori connection between a moral principle and the concept of being an agent as such is essentially Kantian, and recognizing that the Principle of Hypothetical Imperatives is categorically binding requires Kantians to accept that Gewirth's Principle of Generic Consistency is the supreme practical principle.

## Introduction

Morality is commonly characterized as a system of rules governed by a categorically binding impartial imperative. As Kant claims, a categorical imperative 'must already be connected (completely a priori) with the concept of the will of a rational being as such'.<sup>1</sup> Such an imperative will, however, be impartial only if the following principle of universalisation (FPU) is analytic:

If an agent<sup>2</sup> (Albert) is categorically bound to act in accord with a maxim M then every other agent (e.g., Brenda) is categorically bound to act in accord with what M prescribes to Albert.

Kant maintains that

[t]he human being necessarily represents his own existence ... [as an end in itself]; so far it is a *subjective* principle of human actions. But every other rational being also represents his existence in this way consequent on just the same rational ground that also holds for me; thus it is at the same time an *objective* principle from which, as a supreme practical ground, it must be possible to derive all laws of the will. The practical imperative will therefore be the following: *So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means.*<sup>3</sup>

In other words, Albert is bound to act in accord with Ma: 'Treat Albert's existence as an end in itself', because Ma is connected completely a priori to Albert's concept of himself as an agent. Consequently, not only is Brenda bound to act in accord with Mb: 'Treat Brenda's existence as an end in itself', because 'Mb is connected completely a priori to Brenda's

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<sup>1</sup> Immanuel Kant, *Groundwork of the Metaphysics of Morals*, ed. Mary Gregor (Cambridge: Cambridge University Press, [1785] 1998), 4:426.

<sup>2</sup> A being who pursues purposes it regards as reasons for so doing.

<sup>3</sup> Kant, *Groundwork* 4:429.

concept of herself as an agent, Albert is also bound to act in accord with Mb and Brenda is also bound to act in accord with Ma.

So, Kant's argument for morality has two stages. Per Stage I, there is an imperative that is a subjective principle of human actions, a maxim that *Albert* must accept that *Albert* must follow. Per Stage II, such a maxim is also an objective principle of human actions, one that Brenda also must treat as a subjective principle for her actions, which is to say that Stage II tries to show that the FPU is analytic.

Alan Gewirth's argument<sup>4</sup> that the supreme practical principle is the Principle of Generic Consistency (PGC)—'Act in accord with the generic rights'<sup>5</sup> of all agents—follows this two-stage pattern. Per Stage A, it is 'dialectically necessary'<sup>6</sup> for Albert to consider that he has the generic rights. Hence (Stage B) it follows purely logically that it is dialectically necessary for Albert to recognize that Brenda also has the generic rights.

Because the Kantian and Gewirthian arguments for morality share this structure, differences between them can only stem from differences between 'considering humanity in one's person to be an end in itself' and 'considering that one has the generic rights' and/or a normative principle being connected completely a priori with Albert's concept of himself as an agent vs. a normative principle being dialectically necessary for Albert.

Christine Korsgaard portrays Gewirth as maintaining

that you are rationally committed ... to valuing certain features of yourself ... [so] ... you must value the same features in ... [others] ... on pain of contradiction. Since I must regard my humanity as a source of value, I must in the name of consistency regard your humanity that way as well. So I must value the things that you value. Or, to put it another way since I think that my humanity is what makes my desires into normative reasons, I must on pain of contradiction suppose that the humanity of others makes their desires into normative reasons as well.<sup>7</sup>

However, while

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<sup>4</sup> *Reason and Morality* (Chicago: University of Chicago Press, 1978).

<sup>5</sup>These are rights to the generic conditions of agency (GCAs), which are conditions needed to be able to act at all or with any general chances of success, regardless of one's purposes. They include life itself, health, and the means to these such as food, clothing and shelter, freedom of action, mental equilibrium sufficient to be able to translate wishes into behaviour, and accurate information (see Gewirth, *Reason and Morality*, pp. 53-63). A condition is generic if lack of it (either immediately or if prolonged) will have some negative effect on one's ability to act at all or to act successfully, regardless of one's purposes.

<sup>6</sup>Something is dialectically necessary for me if I must assent to it on pain of failing to understand what it is for me to be an agent (hence implicitly denying that I am an agent). 'It is dialectically necessary for me to do Z' is not equivalent to 'I necessarily do Z'. The latter implies that I cannot be an agent and not do Z. The former states that I ought to do Z on pain of denying that I am an agent, which implies that I can be an agent and not do Z.

<sup>7</sup> Christine Korsgaard, *The Sources of Normativity*, (Cambridge: Cambridge University Press, 1996), p. 133. To be precise, she says that 'Gewirth, for instance makes an argument that looks like this in *Reason and Morality*' (ibid.)

[c]onsistency ... can force me to acknowledge that your desires have the status of reasons for you, in exactly the same way that mine do for me... it does not force me to share in your reasons, or make your humanity normative for me.<sup>8</sup>

This is because Gewirth tries to show that private reasons with normative force for an agent give the agent some reason to take the private reasons of other agents into account by arguing that the agent's private reasons 'logically commit her to taking other people's reasons into account ... starting from the assumption that reasons for action are private'.<sup>9</sup> But on this assumption, even if consistency would

force me to take your reasons into account ... it would do it in the wrong way. It would show that I have an obligation *to myself* to treat you in ways that respect the value which I place on you. It would show that I have duties with respect to you, about you, but not that there are things that I owe *to* you.<sup>10</sup>

However, 'reasons are not private, but public in their very essence'.<sup>11</sup> But once it is established that reasons are essentially public

it will be easy to show how we can get someone who acknowledges the value of his own humanity to see that he has moral obligations.<sup>12</sup>

To show that reasons are essentially public, Korsgaard appeals to Wittgenstein's argument that it is impossible for one to have a language that is in principle incommunicable to anybody else, which she claims shows that

[t]o talk about values and meanings is to talk ... about relations we have with ourselves and one another. The normative demands of meaning and reason are ... demands that we make on ourselves and each other.<sup>13</sup>

So, if I hear sounds uttered by you as words,

I acknowledge that you are *someone*. In acknowledging that I can hear them, I acknowledge that I am *someone*.<sup>14</sup>

This gets us to moral obligation in the following way.

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<sup>8</sup>Korsgaard, *Sources*, p. 134. She attributes this objection to Bernard Williams, *Ethics and the Limits of Philosophy* (London: Fontana, 1985), Chapter 4, but neglects to say that Williams addresses an argument that he himself constructs, which he says 'is similar in several respects to that offered by Gewirth', while acknowledging that Gewirth's argument 'differs in some respects from that considered here' (ibid. p. 218 n.2). Williams says that he thinks that Gewirth's own argument fails for the same general reasons, but he does not tell us what modifications he has made.

<sup>9</sup> Korsgaard, *Sources*, p. 134.

<sup>10</sup> Korsgaard, *Sources*, p. 134.

<sup>11</sup> Korsgaard, *Sources*, pp. 134-135. She explains that 'if ... reasons were essentially private, it would be impossible to exchange or to share them', while if they are essentially public 'their privacy must be incidental or ephemeral; they must be inherently shareable' (p. 135).

<sup>12</sup> Korsgaard, *Sources*, p. 136.

<sup>13</sup> Korsgaard, *Sources of Normativity*, p. 138.

<sup>14</sup> Korsgaard, *Sources of Normativity*, p. 143.

Suppose that we are strangers and that you are tormenting me, and suppose that I call upon you to stop. I say: 'How would you like it if someone did that to you?' ... [Recognizing that I am someone, you would] ... realize that you would not merely dislike it, you would resent it. You would think that the other has a reason to stop, more, that he has an obligation to stop. And that obligation would spring from your own objection to what he does to you. You make yourself an end for others; you make yourself a law to them. But if you are a law to others in so far as you are just human, *just someone*, then the humanity of others is also a law for you. *By making you think these thoughts*, I force you to acknowledge the value of my humanity, and I obligate you to act in a way that respects it.<sup>15</sup>

In response, I argue that Korsgaard's claims about the deficiencies of the Gewirthian argument are unfounded because the argument she attacks is a straw man; that her own argument for moral obligation is misdirected and unnecessary; that the a priori nature of the Gewirthian argument is essentially Kantian; and that because Kantians recognize that the Principle of Hypothetical Imperatives is categorically binding they must accept Gewirth's PGC as the supreme practical principle.

Korsgaard provides no evidence for her characterization of the Gewirthian argument. So, because she claims to derive her objection from her understanding of Williams, in Part One, I examine Williams' critique of the argument he constructs from Gewirth and agree that it is sound. However, Williams does not address the Gewirthian argument.

So, in Part Two, I outline my own reconstruction,<sup>16</sup> which Gewirth endorsed.<sup>17</sup> The argument is valid if, and only if, the formal moral principle (FMP) (a corollary of the FPU—the FPU being equivalent to 'It is dialectically necessary for agents to treat the dialectically necessary normative commitments of any agent as their own')

Act in accord with the dialectically necessary normative commitments of all agents,  
and the Principle of Instrumental Reason or Hypothetical Imperatives (PHI),

If doing X (or having) Y is necessary for Albert to pursue/achieve a goal E, then  
Albert ought to do X (or act to obtain Y) or give up pursuit of E,

are both dialectically necessary for Albert, and I argue that they are.

In Part Three, I translate this into Korsgaard's terms. The Gewirthian argument does not contend that Albert's private reasons 'logically commit [him] to taking other people's reasons into account ... starting from the assumption that reasons for action are private'. It presumes neither that reasons for action are necessarily private nor that they are necessarily public, but *demonstrates* that dialectically necessary normative commitments, those that are categorically binding on agents (and *only* such commitments) provide necessarily public reasons for action. Consistency with the idea that Albert is *an agent as such* requires him to treat Brenda's dialectically normative commitments as his own. It follows from the nature of the argument for this (for the FMP) that Albert's duty not to interfere with Brenda's possession of the

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<sup>15</sup> Korsgaard, *Sources of Normativity*, p. 143.

<sup>16</sup> Deryck Beyleveld, *The Dialectical Necessity of Morality: An Analysis and Defense of Alan Gewirth's Argument to the Principle of Generic Consistency* (Chicago: University of Chicago Press, 1991).

<sup>17</sup> See Alan Gewirth, 'Foreword' in Deryck Beyleveld, *Dialectical Necessity of Morality*, pp. vii-xvii.

GCAs is a duty he owes to the particular agent that Brenda is for the reason that she, *just like Albert*, possesses agency (humanity in Korsgaard's terms) in her person.

In Part Four, I contend that Korsgaard's argument for Stage II of the Kantian project is not an argument for moral obligation at all. What it addresses is why Albert must treat Brenda as being human (an agent) if she behaves like an agent. *If* Korsgaard's own argument for Stage I establishes that Albert must consider that the reason why he is a law to Brenda is simply that he is an agent, then nothing more is needed to establish that Albert must consider Brenda to be a law to him. This follows purely logically, Williams agrees, and Korsgaard's argument for Stage II presupposes that this is so.

In Part Five, I argue that the Kantian argument for Stage I is sound only if understood in Gewirthian terms, and Kantians cannot maintain (as they do) that the PHI is an aspect of the categorical imperative and not accept that the PGC is the categorical imperative.

I conclude that, in attempting to demonstrate a strictly priori connection between morality and the concept of agency *as such*, the Gewirthian project is essentially Kantian, but that it is only true that Albert must, in these terms, consider that humanity/agency in his person is an end in itself if this means that he must consider that he has the generic rights.

### **Part One: Williams' Objection to 'Gewirth'**

Williams constructs the following argument.

Since I necessarily want my basic freedom,<sup>18</sup> I must be opposed to courses of action that would remove it. Hence I cannot agree to any arrangement of things by which others would have the right to remove my basic freedom. So, when I reflect on what arrangement of things I basically need, I see that I must claim a right to my basic freedom. In effect, I must lay it down as a rule that they respect my freedom. I claim this right solely because I am a rational agent with purposes. But if this fact alone is the basis of my claim, then a similar fact must equally be the basis of such a claim by others. ... In moving from my need for freedom to 'they ought not to interfere with me', I must equally move from their need to 'I ought not to interfere with them'.<sup>19</sup>

He claims that the

very last step—that if in my case rational agency alone is the ground of the right of non-interference, then it must be so in the case of other people—is certainly sound ... [It] is brought into play simply by *because* or *in virtue of* ... . That must be so if enough is indeed enough.<sup>20</sup>

So, if the argument goes wrong it must be at an earlier step—which is 'when I first assert my supposed right'.<sup>21</sup> The mistake is to hold that 'I must be opposed to courses of action that would remove my basic freedom because I necessarily want/need basic freedom' entails 'I must consider that I have a right to my basic freedom'.

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<sup>18</sup>He restricts his discussion to 'basic freedom'.

<sup>19</sup>Williams, *Ethics*, pp. 59-60.

<sup>20</sup>Williams, *Ethics*, p. 60.

<sup>21</sup>Williams, *Ethics*, p. 60.

He reasons as follows. That I (Albert) necessarily want basic freedom or need it for whatever purposes I want to pursue *does* provide *me* with a categorically binding reason to oppose interference with my basic freedom; but it does not provide me with a categorically binding reason to oppose interference with Brenda's basic freedom. For it to do so, I must *necessarily* want Brenda to have basic freedom or necessarily need her to have it for *my* chosen purposes. But I do not *necessarily* want or need Brenda to have basic freedom. Of course, Brenda also has a categorically binding reason to oppose interference with her basic freedom. However, my wants or needs 'are not necessarily reasons for another's doing anything'<sup>22</sup> and vice versa.

Williams is not saying that it is unintelligible for me to 'prescribe' *to* Brenda (on the grounds that I necessarily want basic freedom, or categorically need it) that she ought not to interfere with my basic freedom. Indeed, he says that this 'prescription' is 'reasonably related' to me.<sup>23</sup> His contention is that if *this is my justification for my rights claim*, then *this justification* will only require me to grant Brenda a right to basic freedom *if* (*which is not the case*) I necessarily want her to have basic freedom or categorically need her to have it *for what I want*.

He adds that if I must consider that I have a right to basic freedom on such grounds, I should also prescribe that I have a right to all my particular purposes, because I want to achieve them 'as much as anything else ... [and] my need for basic freedom was itself derived from that kind of want'.<sup>24</sup> Furthermore, it is unsound to infer from the true statement that I may not grant others a right to interfere with my basic freedom that I must consider that I have a right to basic freedom, because I might refuse to make claims about *anyone's* rights in relation to my having basic freedom.<sup>25</sup>

All of this is sound; but Williams' construction is not the Gewirthian argument!

## Part Two: The Gewirthian Argument

Albert, as an agent, does something (X) *voluntarily* in order to pursue some purpose (or purposes) E that he chooses to pursue. The argument proceeds from Albert's internal viewpoint through the following steps:

- (1) In choosing to do X for E, I (Albert) necessarily care about E enough to move me to do something to bring about E = I *necessarily* proactively *want* E = I necessarily attach a value to E sufficient to motivate me to pursue E.
- (2) 'If doing X (or having Y) is necessary for me to pursue or achieve E then I *ought to* do X (or I *ought to* act to ensure that I obtain or keep Y), or give up my pursuit of E'. This is the Principle of Instrumental Reason or Hypothetical Imperatives (PHI).
- (3) It is dialectically necessary for me to accept the PHI: otherwise I fail to understand that *as an agent* I am trying to achieve E voluntarily by doing X.<sup>26</sup>
- (4) 'If Y is a GCA, then it is dialectically necessary for me to accept 'I *ought to want* to have Y proactively, *for my purposes, whatever they might be*'. This entails that it is

<sup>22</sup> Williams, *Ethics*, p. 61. This is to say that they are not necessarily public, rather than that they are necessarily private.

<sup>23</sup> See Williams, *Ethics*, pp. 60-61.

<sup>24</sup> Williams, *Ethics*, p. 62.

<sup>25</sup> Williams, *Ethics*, p. 62.

<sup>26</sup> Kantians, see Part Five, below, accept this, so I will not elaborate here.

*dialectically necessary* for me to accept the self-referring prescription, SROa, ‘I ought to defend my having the GCAs, *for my purposes*, whatever they might be’. SROa can be expressed in a number of equivalent ways; e.g., ‘I categorically instrumentally ought to defend my having the GCAs’ = ‘I ought to defend my having the GCAs, unless (and only unless) I am willing to suffer generic damage to my ability to act’,<sup>27</sup> = ‘I ought to oppose unwilled interference with my having the GCAs’ = ‘I ought to oppose interference with my having the GCAs, unless (and only unless) interference is not against my will’. I will formulate the statement that SROa is dialectically necessary for me (Albert) as {SROa}<sub>Albert</sub>.<sup>28</sup>

- (5) Because I generically need the GCAs to achieve any end, I will not be able to defend having them if Brenda prevents me from having them. Therefore, {SROa}<sub>Albert</sub> → {Brenda ought not to interfere with my having the GCAs against my will}<sub>Albert</sub> = {BRO}<sub>Albert</sub> ↔ {I have a right to non-interference with my having the GCAs}<sub>Albert</sub> = {AR}<sub>Albert</sub>.<sup>29</sup>

This concludes Stage A of the argument.

- (6) By the Argument from the Sufficiency of Agency (ASA)<sup>30</sup>, {AR}<sub>Albert</sub> → {I am an agent → AR}<sub>Albert</sub>.<sup>31</sup>

The ASA runs as follows:

In order for me to deny ‘I am an agent (≡ I possess agency in my person) → AR’, I must assert ‘AR → I have D’, where D is a property I do not, as an agent, necessarily have, by which I contend, ‘If I do not (or did not) have D then I do not (or would not) have the generic rights’. But given {AR}<sub>Albert</sub>, I implicitly deny that I am an agent if I deny AR. It follows that I deny that I am an agent if I assert, ‘AR → I have D’. In order not to deny that I am an agent, I must deny ‘AR → I have D’, which means that I must accept ‘I am an agent → AR’. Therefore, {AR}<sub>Albert</sub> → {I am an agent → AR}<sub>Albert</sub>.

- (7) By the logical principle of universalization (LPU)<sup>32</sup> operating on ‘I am an agent → AR’ within ‘{AR}<sub>Albert</sub> → {I am an agent → AR}<sub>Albert</sub>’, {Brenda is an agent → I

<sup>27</sup> This condition is expressed this way because not all GCAs are necessary for the very possibility of action. Some are necessary only for general chances of successful action. And even the former are subject to having degrees of impact in the sense that their absence may have more or less immediate effects on the possibility of action.

<sup>28</sup> A proposition in face brackets is dialectically necessary, the subscript indicating for whom it is dialectically necessary.

<sup>29</sup> The generic rights are argued to be positive as well as negative; i.e., they are argued to be rights to assistance as well as rights to non-interference. For convenience, I shall, in the main, only follow the track of the claims as claims to negative rights. The claims as positive rights are not derived from the claims to negative rights, but are parallel to them: I need assistance to secure my having the GCAs when I cannot do so by my own unaided efforts as much as I need non-interference. (See Gewirth, *Reason and Morality*, pp. 228-229.)

<sup>30</sup> See Gewirth, *Reason and Morality*, p. 110.

<sup>31</sup> What the ASA purports to show is that if my being an agent is my dialectically necessary *ratio cognoscendi* for my claim to have AR then it is dialectically necessary for me to accept that it is also the *ratio essendi* for my having AR.

<sup>32</sup> This may be stated as ‘If the fact that A has  $\pi$  is sufficient to infer that A has  $\rho$ , then the fact that B has  $\pi$  is sufficient to infer that B has  $\rho$ ’. The principle depends merely on the meaning of ‘sufficient to infer’. In its application here, ‘having  $\pi$ ’ is ‘being an agent’; and ‘having  $\rho$ ’ is ‘having the generic rights’.



- ought not to interfere with Brenda's having the GCAs, unless she is willing to suffer generic damage to her ability to act}<sub>Albert</sub> → {Brenda has a right to non-interference with her GCAs}<sub>Albert</sub>
- (8) By the LPU, {All agents have a right to non-interference with their having the GCAs}<sub>all agents</sub> = {The PGC}<sub>all agents</sub>

This concludes Stage B of the argument.

Stage A provides Albert with *two* reasons for opposing interference with his having the GCAs (for acting in accordance with SROa). One reason is that he categorically instrumentally needs the GCAs in order to pursue/achieve his chosen purposes. Williams and Korsgaard portray Albert as reasoning *solely* in terms of this reason. In effect, they interpret the Gewirthian claim that SROa is dialectically necessary for Albert as the claim that Albert categorically instrumentally (for his purposes) ought to defend his having the GCAs. But this is not the Gewirthian claim, which is the thoroughly Kantian one that Albert fails to understand what it is for him to be an agent (to possess agency in his person) if he does not agree that he ought to structure his practical reasoning in accordance with the PHI, and hence with SROa.

So, it is irrelevant to the validity of the Gewirthian argument that Albert does not necessarily want Brenda to pursue/achieve her chosen purposes or that he does not categorically need her to have the GCAs in order to achieve his chosen purposes. It must be shown that {SROa}<sub>Albert</sub> does not entail {BR}<sub>Albert</sub>.

According to the sequence I have outlined, {SROa}<sub>Albert</sub> → {BRO ≡ AR}<sub>Albert</sub>.  
→ {I (Albert) am an agent → BRO/AR}<sub>Albert</sub>. → {Brenda is an agent → BR}<sub>Albert</sub> → {BR}<sub>Albert</sub>.

Williams cannot question consistently that {I (Albert) am an agent → AR}<sub>Albert</sub> → {BR}<sub>Albert</sub>, because he says that 'I (Albert) am an agent → AR' entails 'BR (if Brenda is an agent)'. And he is not concerned to deny that the PHI is dialectically necessary for Albert (which would be tantamount to denying that there are any reasons for action at all); and {PHI}<sub>Albert</sub> → {SROa}<sub>Albert</sub>. So, the critical step for Williams is from {SROa}<sub>Albert</sub> to {AR}<sub>Albert</sub>.

There is no need to examine here all the ways in which this step has been attacked and can be defended. This is because it is not necessary to employ this step to demonstrate {BR}<sub>Albert</sub>.

The fact of the matter is that the Gewirthian argument rests on nothing more and nothing less than coupling {PHI}<sub>Albert</sub> (which, conjoined with the idea of a GCA, yields {SROa}<sub>Albert</sub>) with the dialectical necessity of the FMP ('Act in accord with the dialectically necessary normative commitments of all agents').

So, assuming {PHI}<sub>Albert</sub>, *all* that needs to be established is {FMP}<sub>Albert</sub>.

Of course, if the Gewirthian sequence outlined is sound then {FMP}<sub>Albert</sub> follows by implication. But {FMP}<sub>Albert</sub> can also be established by showing that {SROa}<sub>Albert</sub> → {BR}<sub>Albert</sub> without *first* showing that {SROa}<sub>Albert</sub> → {AR}<sub>Albert</sub>, (which again establishes {FMP}<sub>Albert</sub> by implication), or by inferring it directly from the idea that Albert is able to understand the idea of a maxim being dialectically necessary for him.

The direct argument for  $\{SROa\}_{\text{Albert}} \rightarrow \{BR\}_{\text{Albert}}$ , runs as follows.<sup>33</sup>

$\{SROa\}_{\text{Albert}} \rightarrow \{\text{Albert is an agent} \rightarrow SROa\}_{\text{Albert}}$ . This is because, in order for Albert to deny ‘Albert is an agent  $\rightarrow SROa$ ’, he must assert ‘ $SROa \rightarrow \text{Albert has D}$ ’ (where D is a property he does not, as an agent, necessarily have), by which he contends, ‘If I do not (or did not) have D then I do not (or would not) be bound by  $SROa$ ’. But given  $\{SROa\}_{\text{Albert}}$ , Albert implicitly denies that he is an agent if he rejects  $SROa$ . It follows that Albert denies that he is an agent if he asserts, ‘ $SROa \rightarrow \text{Albert has D}$ ’. In order not to deny that he is an agent, Albert must reject ‘ $SROa \rightarrow \text{Albert has D}$ ’, which means that he must accept ‘Albert is an agent  $\rightarrow SROa$ ’. Therefore,  $\{SROa\}_{\text{Albert}} \rightarrow \{\text{Albert is an agent} \rightarrow SROa\}_{\text{Albert}}$ . This, of course, is exactly the same form of reasoning employed in the ASA (see step [6] in my Gewirthian sequence).

By parallel reasoning,  $\{SROb\}_{\text{Brenda}}$ , which entails  $\{\text{Brenda is an agent} \rightarrow SROb\}_{\text{Brenda}}$ .

But it is dialectically necessary for Albert to accept this. So,  $\{SROa\}_{\text{Albert}} \rightarrow \{\{SROb\}_{\text{Brenda}}\}_{\text{Albert}}$ . But, again, by the reasoning involved in the ASA, this entails  $\{\text{Albert is an agent} \rightarrow \{SROb\}_{\text{Brenda}}\}_{\text{Albert}}$ . Similarly, this entails  $\{\text{Albert is an agent} \rightarrow \{\text{Brenda is an agent} \rightarrow SROb\}_{\text{Brenda}}\}_{\text{Albert}}$ . So, *Albert must consider that the reason why Brenda must consider that agency in her person is the supreme authority over what she may or may not do in relation to disposal of her person (which is the significance of  $\{SROb\}_{\text{Brenda}}$  for Brenda) is that Albert is an agent.* So, it is dialectically necessary for Albert to consider that agency in his person is the legislative authority that makes it dialectically necessary for Brenda to consider that agency in her person is the legislative authority that delegates to her will supreme authority over what she may or may not do in relation to disposal of her person. Therefore, it is dialectically necessary for Albert to hold that the reason why he must accept  $SROa$  and the reason why Brenda must accept  $SROb$  is the same *legislative* reason, which is that Albert is an agent. But if *Albert* must hold that it is agency in *Albert’s* person that requires Brenda to hold that her will is the supreme authority over her disposal of her person, then Albert must accept that Brenda’s will *is* the supreme authority over her disposal of her person. And this is to say that it is dialectically necessary for Albert to grant Brenda the generic rights.

*Ergo*,  $\{SROa\}_{\text{Albert}} \rightarrow \{BR\}_{\text{Albert}}$ , and consequently  $\{FMP\}_{\text{Albert}}$ .

To derive  $\{FMP\}_{\text{Albert}}$  from the idea that Albert is capable of understanding the idea of a maxim being dialectically necessary for him, it must be shown that *if* a maxim Ma is dialectically necessary for Albert, then  $\{Ma\}_{\text{Albert}} \rightarrow \{Mb\}_{\text{Albert}}$ , where Mb is the parallel maxim that would be dialectically necessary for Brenda. The argument applies the same form of reasoning involved in the argument I have just provided.

By the reasoning involved in the ASA,  $\{Ma\}_{\text{Albert}} \rightarrow \{I (\text{Albert}) \text{ am an agent} \rightarrow Ma\}_{\text{Albert}}$ . By parallel reasoning,  $\{\text{Brenda is an agent} \rightarrow Mb\}_{\text{Brenda}}$ . So,  $\{Ma\}_{\text{Albert}} \rightarrow \{\{Mb\}_{\text{Brenda}}\}_{\text{Albert}}$ . But this entails  $\{\text{Albert is an agent} \rightarrow \{Mb\}_{\text{Brenda}}\}_{\text{Albert}}$ . Similarly, this entails  $\{\text{Albert is an agent} \rightarrow \{\text{Brenda is an agent} \rightarrow Mb\}_{\text{Brenda}}\}_{\text{Albert}}$ . So, *Albert must consider that the reason why Brenda must consider that her being an agent is the reason why she must comply with Mb is*

<sup>33</sup> I first formulated this argument, which I called the ‘Argument for Dialectically Necessary Mutual Recognition’ in Deryck Beyleveld, ‘Williams’ False Dilemma: How to Give Categorically Binding Impartial Reasons to Real Agents, *Journal of Moral Philosophy* 2013???

*that Albert is an agent.* So, it is dialectically necessary for Albert to consider that his being an agent is the reason why it is dialectically necessary for Brenda to consider that her being an agent is the reason why she must comply with Mb. Therefore, it is dialectically necessary *for Albert* to hold that the reason why he must comply with Ma and the reason why Brenda must comply with Mb is the same *legislative* reason, which *is that Albert is an agent.* But if *Albert* must hold that it is because Albert is an agent that Brenda must comply with Mb, then Albert must accept that he must act in accord with Mb.

*Ergo*,  $\{Ma\}_{\text{Albert}} \rightarrow \{Mb\}_{\text{Albert}}$ , which is to say,  $\{FMP\}_{\text{Albert}}$ ,

This conclusion might be challenged by claiming that what is attributed to Albert in the ASA when he considers that he is an agent is not the same as what is attributed to Brenda when (he or she) considers that Brenda is an agent, or that if it is the same then it is not something that gives Albert and Brenda any reason to act if they are real agents.

The first challenge claims that ‘Albert is an agent’ means ‘Albert is a member of the class of beings who *necessarily* value the purposes Albert has chosen’, whereas ‘Brenda is an agent’ means ‘Brenda is a member of the class of beings who *necessarily* value the purposes Brenda has chosen’. However, each of these classes necessarily has only one member. Consequently, my arguments for  $\{FMP\}_{\text{Albert}}$  fail, because *in these terms*  $\{Ma\}_{\text{Albert}}$  does not entail  $\{Mb\}_{\text{Brenda}}$ . From Albert’s dialectically necessary point of view, he is the only possible agent (as is Brenda from her dialectically necessary point of view).<sup>34</sup>

The second challenge claims that what is ascribed in ‘Albert is an agent’ and ‘Brenda is an agent’ is only the same if to think of Albert and Brenda as agents is to think of them as beings lacking any of the particular characteristics that make them the particular agents that they are. As such, while the FMP is dialectically necessary for Albert and Brenda *thought of as* ‘rational agents and no more’, there is no way ‘of being a rational agent and no more’,<sup>35</sup> so this fact does not provide either Brenda or Albert (if they are *real agents*) with any reasons to act.

Both of these challenges fail because the following principle of reflective judgment (PRJ) is analytic from Albert’s internal perspective as a real agent.

If *Albert* thinks of himself as the unique being who necessarily values his own chosen purposes (as the particular agent that he is) then he must also think of himself as a member of the class of beings who stand in the universal relation to their own chosen purposes of necessarily valuing them (as a member of the generic class of agents); and, conversely, if *he* thinks of himself as a member of the generic class of agents, then he must also think of himself as the particular agent that he is.

In essence, Williams alleges that the Kantian-Gewirthian project of trying to justify a categorically binding impartial principle falls prey to a dilemma: either it can justify categorically binding requirements for real agents at the price of making them not universalisable (alleged Gewirthian route) or it can justify impartial requirements that are categorically binding only on complete abstractions (alleged Kantian route).

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<sup>34</sup> This objection amounts to claiming that reasons for action are essentially private, and this claim rests on the proposition that it is not intelligible for Albert to even imagine that there might be agents other than himself.

<sup>35</sup> Williams, *Ethics*, p. 63.

However, the Gewirthian argument does not fall prey to this dilemma, because the dilemma does not exist. Albert, as the subject of Gewirthian self-reflection, is neither a pure abstraction nor a being who considers himself the only conceivable addressor and addressee of practical precepts (neither of which construction is intelligible). He is someone whose self-reflective awareness as an agent is governed by the PRJ.<sup>36</sup>

### Part Three: Private and Public Reasons in the Gewirthian Argument

As Korsgaard defines an essentially private reason for action, her allegation that the Gewirthian argument operates with the presumption that reasons for action are essentially private has no foundation. The idea that reasons for action are essentially private renders it incoherent to hold, not merely that one agent *categorically ought to act for* any interests of another, but that it is even *possible* for one agent to act *for* any interests of another. Were Gewirthians to make such an assumption, it would be absurd for them to attempt to show, *on any grounds whatsoever*, that rationality requires agents to take account of any interests of others in deciding how they themselves may act.

This, however, does not mean that Gewirthians suppose that reasons for action are essentially public (if an essentially public reason is a necessarily public one), for they do not suppose, nor do they try to show, that every reason for Albert to act is necessarily a reason that Brenda must act in accordance with and vice versa.<sup>37</sup> What they do suppose is that *any* reasons for action are capable of being treated as public (hence, are not essentially private). This requires only that it be intelligible to imagine that agents are capable of acting for the purposes of others, that agents who have moral, even altruistic, motivations might conceivably exist.

Gewirthians follow Kant unequivocally in holding that *if a maxim is to be shown to be categorically binding on Albert* then the requirement to act on it must be shown to be connected completely *a priori* with Albert's idea of himself as an agent, which they interpret to mean that it must be shown that Albert fails to understand what it is for him to be an agent if he does not accept that he ought to act according to the maxim in question. Consequently, the criterion for the Gewirthian dialectically necessary method (CDNM) is

I (Albert) *may and must* accept a maxim if (and only if) my failure to accept it entails that I fail to understand what it is for me to be an agent.

The CDNM, which is analytically connected to the idea of a categorical imperative, must be distinguished from the fundamental Gewirthian criterion for normatively rational action (GCRA), which is

I (Albert) categorically ought to act on any maxim Ma that is dialectically necessary for me to adopt, and it is not impermissible for me to act on a maxim N only if N is consistent with Ma.

The CDNM does not prohibit Albert, *as a rational agent*, from acting on maxims that are not dialectically necessary for him. It only prohibits him from appealing to any considerations that are not dialectically necessary for him as premises in the sequence of reasoning

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<sup>36</sup> This is the central thrust of Beyleveld, 'Williams' False Dilemma'. The PRJ is a necessary presupposition of the idea that there might conceivably be agents other than himself being intelligible to Albert.

<sup>37</sup> Korsgaard, therefore, mischaracterizes the argument by saying that it holds that 'I must value the things that you value'.

purporting to establish a dialectically necessary conclusion for him (either to support or to undermine an inference). So, by the GCRA, unless (and until) some maxims are shown to be dialectically necessary for Albert (with which all rationally permissible maxims for Albert must be consistent), Albert is permitted to adopt any self-coherent maxims for possible actions. He is not, therefore, at the outset, prohibited from adopting, *as a matter of contingent commitment*, either altruistic or egoistic maxims, moral maxims or amoral maxims.<sup>38</sup>

*On this basis*, Gewirthians *argue* that dialectically necessary reasons (and *only* dialectically necessary reasons) for action are *necessarily* public. They do so, as I have shown, by arguing (using the ASA and the PRJ) that the FMP is dialectically necessary for Albert. Then, the fact that the PHI is dialectically necessary for Albert entails that he can only have (contingently) private reasons for action (ones serving his contingently chosen purposes) if there are some necessarily public reasons for action. Contingently private reasons must obey the PHI, which agents must comply with for an essentially public reason, to be able to think coherently that they are agents (that they have the capacity to do X voluntarily for an E that they have chosen).

The dialectically necessary (essentially public) commitments of agents, so justified, are strictly limited. When the argument reaches its conclusion, the only substantive dialectically necessary commitment that Albert and Brenda have is to defend their own and each other's possession of the GCAs from interference that is unwilled by the one whose possession of the GCAs is under threat. Albert is, therefore, completely free to decline to defend his possession of the GCAs or to invite interference by Brenda, provided only that he is willing to suffer generic damage to his ability to act *and* this does not lead to interference with other agents' (e.g., Carole's) having the GCAs against Carole's will. Similarly, Albert may choose to live his life according to a normative world-view of his own (a personal 'practical identity' to use Korsgaard's expression)<sup>39</sup> or one that he contingently shares with others that he takes to impose obligations on him that trump *for him* all considerations affecting *his own* welfare. This is consistent with the absolutely overriding nature of the PGC, because the PGC permits Albert to do anything at all provided only that this does not interfere with agents having the GCAs *against their will*.<sup>40</sup>

Korsgaard alleges that if the Gewirthian argument establishes that Albert must accept duties in relation to Brenda, these will not be duties to Brenda. This is false. By the ASA (interpreted in the light of the PRJ), Albert must accept that he has a duty not to interfere with Brenda's possession of the GCAs because she is an agent (possesses agency in her person). To be sure, he must think that he owes this duty to agency in Brenda's person because he possesses agency in his own person. But there is no difference between agency in his person and agency in Brenda's person. A duty Albert must accept if he is to think coherently that he possesses agency in his person is not a duty Albert must accept for the sake of the characteristics that make him the particular agent that he is. It is a duty he must accept in order to think that he has those characteristics that also make Brenda an agent (an intelligible addressor and addressee of practical precepts). Since it is only because he has these qualities that he can conceive of himself as the particular *agent* that he is, the *force* of what he (the *particular agent* that he is) must accept in order to conceive of himself as an agent can, in no way, be subject to whatever makes him the *particular agent* that he is, but is nevertheless binding on him as the *particular agent* that he is.

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<sup>38</sup> See Beyleveld, *Dialectical Necessity of Morality*, pp. 47-56.

<sup>39</sup> See Korsgaard, *Sources*, pp. 100-102; pp. 128-130.

<sup>40</sup> The PGC is akin to Mill's 'Harm Principle' but with a dialectically necessary content (the GCAs).

Furthermore, because  $\{BR\}_{\text{Albert}}$  is the universalization (via the ASA) of  $\{SROa\}_{\text{Albert}}$  and SROa requires Albert to defend his possession of the GCAs only if he wills to act, the duty that Albert must accept he has to Brenda consequent upon  $\{BR\}_{\text{Albert}}$  is one that Brenda can release him from by exercise of her will. This entails that the duty Albert owes is a duty to the *particular agent* that Brenda is.

In short, the duty Albert owes in relation to Brenda he owes to the particular agent that Brenda is on account of his and her possession of agency in *their* persons.

#### Part Four: Korsgaard's Argument for Morality

This conclusion does not rely on any appeal of the kind Korsgaard makes to Wittgenstein. The rationally necessitated move to *moral* obligation requires nothing beyond Albert's self-understanding of what it is for him to be an agent (i.e., *a* particular agent). So, how does Korsgaard's 'argument for moral obligation' fit into this picture?

The argument she presents has the following form:

- (a) You make yourself a law to others (hence, you consider that others have an obligation not to torment you).<sup>41</sup>
- (b) You consider that the reason you are a law to others is simply because you are human.
- (c) Therefore you must concede that they are a law to you if they are human.
- (d) If you hear my call to you to stop tormenting me as an objection to your action then you must recognize that I am human.
- (e) Therefore you must concede that I am a law to you (and recognize an obligation not to torment me when I object).

She appeals to Wittgenstein exclusively to justify (d). She does not appeal to Wittgenstein to justify (a) or (b) (which her argument for Stage I is presumed to have done),<sup>42</sup> and (c) follows purely logically from (b) (just as Korsgaard supposes it does here). But the sequence '(a), (b), therefore (c)' is identical in form to:

- (A) You consider that you have the generic rights (hence, consider that others have an obligation not to torment you, if tormenting you is interference with your having the GCAs).
- (B) You consider that the reason that you have the generic rights is simply because you are an agent.
- (C) Therefore you must concede that I have the generic rights if I am an agent.

What justifies morality in these sequences is (b)/(B), the proposition that humanity/agency is the *ratio essendi* for being a law to others/having the generic rights.<sup>43</sup> The way in which she uses Wittgenstein is neither able nor needed to establish that.

Korsgaard's appeal to Wittgenstein addresses a totally different problem. This is that even if you must assent to (a)-(c)/(A)-(C), for you to have to accept (d)/(D) (and therefore (e)/(E))

<sup>41</sup> Korsgaard does not explain this inference. For Gewirthians, such an inference requires 'tormenting you' to constitute interference with your possession of the GCAs.

<sup>42</sup> I will comment on this in Part Five.

<sup>43</sup> See footnote 31 *supra*.

you must have to recognize that *I* am ‘someone’ (i.e., human/*an* agent). This problem arises in applying the moral law, not in establishing it.

Suppose that you accept that it is dialectically necessary for you to treat *agents* as a law to you. Nevertheless, when you interact with *me*, you fail to respect my humanity. When I object, you do not deny that agents are a law to you and that you are categorically bound to respect their humanity. What you claim is that, even though I behave like an agent, you do not know for certain that I am an agent (have a humanity to respect). This is because agents are self-conscious beings with the capacity to reason. The most you can know is that I behave like an agent. There is no inherent contradiction involved in your claim that I behave like an agent but am not one, nor is there a direct contradiction between your claim that you are an agent (which you know directly through your own self-consciousness) and your claim that I am not an agent (though I behave like one). So, you might contend, the fact that the Kantian/Gewirthian argument establishes that you are categorically bound not to torment any agent (according to Gewirthians, against the agent’s will) does not categorically require you not to torment *me*.

Korsgaard’s appeal to Wittgenstein does bear on this. Whether or not she can derive ‘I categorically must treat those who behave like agents as agents’ from Wittgenstein’s argument I will not consider. In any case, I think that this proposition is true. However, my justification for this rests on it being dialectically necessary for me to consider that other agents have the generic rights. If this is so then when I am confronted by you, and you behave like an agent, I can either behave towards you as though you are an agent and treat you as having the generic rights or behave towards you as though you are not an agent and not treat you as having the generic rights. On the assumption that only I can know with certainty that I am an agent, I will not with certainty ever be able to know whether or not I have made a mistake, whichever course I choose. However, I know with certainty that if I assume that you are not an agent and I am wrong I have violated the categorical imperative. But, if I assume that you are an agent and I am wrong, I have not violated this imperative. Hence, provided that I can treat you as an agent (and I can if you have the capacity to behave like one, which you demonstrate by my capacity to hear your complaint as a complaint etc.) it is dialectically necessary for me to assume that you are an agent.<sup>44</sup> So, since the dialectical necessity for me to accept that you have the generic rights if you are an agent follows logically from it being dialectically necessary for me to consider ‘I have the generic rights because I am an agent’, there is also no need to appeal to Wittgenstein to establish that I categorically must treat you as an agent if you behave like one, even if such an appeal would suffice.<sup>45</sup>

## **Part Five: Why Kantians Ought to be Gewirthians**

Kantians hold that action in accord with the PHI is a priori. Kant himself says

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<sup>44</sup>See further, e.g., Deryck Beyleveld and Shaun D. Pattinson, ‘Precautionary Reasoning as a Link to Moral Action’ in Michael Boylan ed., *Medical Ethics*. (Upper Saddle River, NJ: Prentice-Hall, 2000), pp. 39–53; and Deryck Beyleveld and Shaun D. Pattinson, ‘Defending Moral Precaution as a Solution to the Problem of Other Minds: A Reply to Holm and Coggon’, 23 (2010) *Ratio Juris* pp. 258–273.

<sup>45</sup> Note too, that simply by regarding myself as a law to you, I presuppose that you are an agent; which render’s Korsgaard’s appeal to Wittgenstein even more puzzling.

Whoever wills the end also wills (insofar as reason has decisive influence on his actions) the indispensably necessary means to it that are within his power. This proposition, as regards the volition, is analytic.<sup>46</sup>

I understand Kant to be saying that if you will an end and act as you *ought* to act if you are *instrumentally* rational you will necessarily will the means *or stop willing the end*, which is to say that the PHI defines *instrumental* rationality. Acting in accord with the PHI does not define *acting*; agents do not necessarily act in accord with it: if they did it could not be an imperative. The PHI is dialectically necessary for agents, because acting in an instrumentally rational way is dialectically necessary for agents. It is the statement that the PHI is dialectically necessary for agents that is analytic.<sup>47</sup>

Jean Hampton's claim that the PHI is a categorical imperative is consistent with this. According to Hampton, even though a reason to pursue some substantial end might depend on having a desire, it is not contingent on the desires one has whether or not one is bound to act according to the PHI. So, the authority of the PHI

has to be understood noninstrumentally. Because it is the foundation of the idea that we ought to act on means appropriate to the achievement of our ends, it cannot be defended consequentially. Thus, understood as an imperative, it is categorical and not hypothetical.<sup>48</sup>

But, to repeat, if we combine this with recognition that the GCAs are necessary for the pursuit/achievement of an agent's purposes, whatever they might be, then SROa is a categorical imperative for Albert, and if the move to moral obligation is sound (which requires the FMP to be categorically binding), then the PGC is categorically binding!

So, how do Kantians (who must agree that the FMP is categorically binding) escape the conclusion that the PGC is the categorical imperative? They can do so only by showing that it is dialectically necessary for agents to defend their possession of the GCAs not merely categorically instrumentally but as ends in themselves.

Korsgaard tells us that her own argument for Stage I<sup>49</sup> is

just a fancy new model of an argument that first appeared in a much simpler form, Kant's argument for his Formula of Humanity. ... He started from the fact that when we make a choice we must regard its object as good. ... He asked what it is that makes these objects good... [and] decided that the goodness was not in the objects themselves. Were it not for desires and inclinations ... we would not find their objects good. Kant saw that we take things to be important because they are important to us—and he concluded that we must therefore take ourselves to be important. In this way, the value of humanity is itself implicit in every human choice. If complete normative skepticism is to be avoided—if there is such a thing as a reason for

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<sup>46</sup> Kant, *Groundwork* 4: 417.

<sup>47</sup> Of the categorical imperative, Kant says that it connects a 'volition ... immediately with the concept of the will of a rational being as such as something that is not contained in it' (*Groundwork* 4:420 footnote), so that it is a synthetic a priori principle (see 4:445; 4:447). Because the same must apply to the PHI, this implies that when Kant says that a normative principle is synthetic a priori he means that it is dialectically necessary.

<sup>48</sup> Jean Hampton, *The Authority of Reason* (Cambridge: Cambridge University Press, 1998), p. 140, n. 22.

<sup>49</sup> See Korsgaard, *Sources*, pp. 90-130.



action—then humanity, as a source of all reasons and values, must be valued for its own sake.<sup>50</sup>

Up to a point, I agree. What this does not show is that I must regard myself as important in the sense of valuing my continued existence as an agent as an *end* in itself. The value I must attach is to my power to exercise choice, which is non-instrumental because my exercise of this power is not a means for me *to pursue or achieve my chosen purposes*, but makes purposes *my* purposes. But my having this power is not therefore *an end that I ought to pursue* for its own sake, because I necessarily have it when I set any end. Instead, I must value the exercise of my power of choice as the supreme authority for *my* disposal of *my* person, because the necessary valuing of my humanity, being *implicit in* my every choice, *subsists in my choosing* the purposes I choose to pursue, which might include my choosing to end my existence as an agent.

Anyway, Korsgaard does not follow Kant's interpretation of the idea that one must regard one's humanity as an end in itself. Kant thinks that because one must regard one's humanity as an end in itself, one may not commit suicide for any self-regarding purpose.<sup>51</sup> On the other hand, Korsgaard believes that 'there can be good reasons for committing suicide',<sup>52</sup> which are, essentially, to 'preserve your own identity, and to protect the values for which you have lived'.<sup>53</sup>

I agree with Korsgaard; but only because this is exactly what {SROa}<sub>Albert</sub> entails for Albert.

So, what are we to make of the following statement, made to clarify her position?

The instrumental principle [i.e., the PHI] is not a principle of practical reason that is separable from the categorical imperative [because there is only one categorical imperative]: rather, it picks out an aspect of the categorical imperative: the fact that the laws of our will must be practical laws, laws that constitute us as agents by rendering us efficacious. Second, the categorical imperative is not a principle of practical reason that tells us to have certain ends, and *that is separable from the principle that tells us to take the means to those ends*.<sup>54</sup> [My emphasis added]

There can, indeed, be only one categorical imperative. So, the PHI, being categorically binding, must be an aspect of the categorical imperative. But, on the one hand, Korsgaard seems to be saying that the PHI does not contribute to the content or form of the categorical imperative: compliance with it is merely a means for finite agents to put its commands (which are determined independently of the PHI) into effect (which is, I think, consistent with Kant's own mistaken view). Yet, on the other hand, she says that the categorical imperative, which tells us to have certain ends, is not separable from the PHI.

But, because {PHI}<sub>Albert</sub> → {SROa}<sub>Albert</sub> → {PGC}<sub>Albert</sub>, the PGC must also be inseparable from the categorical imperative. That the GCAs are categorically instrumentally necessary for

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<sup>50</sup> Korsgaard, *Sources*, p. 122.

<sup>51</sup> See Kant, *Groundwork* 4:422; 4:429.

<sup>52</sup> Korsgaard, *Sources*, p. 161.

<sup>53</sup> Korsgaard, *Sources*, p. 162.

<sup>54</sup> Christine Korsgaard, 'Afterword (2008) to "The Normativity of Instrumental Reason"', in Christine Korsgaard, *The Constitution of Agency* (Oxford: Oxford University Press, 2007), p. 68.

Albert's purposes provides the dialectically necessary PHI with a dialectically necessary substantive content, which entails that the PGC is categorically binding.

That Korsgaard does not think clearly enough about this is also shown by her denial that 'moral obligations always trump others'.<sup>55</sup> As she insists,<sup>56</sup> there can be conflicts between one's personal (non-moral) normative commitments and one's moral obligations. However, as she also appreciates, any actions that 'are fundamentally inconsistent with the value of humanity [i.e., with the categorical imperative] must be given up'.<sup>57</sup> But moral obligations are those one must accept in order to act consistently with the categorical imperative, which renders it incoherent to say that, when one's moral obligations conflict with rules that one contingently chooses to treat as binding, the moral obligations do not take *rational* priority. This is not to say that Albert may not place *himself* under an obligation to permit Brenda to harm him generically. But this is only because the dialectical necessity of SROa (and hence of the PGC) does not require Albert to defend his possession of the GCAs from interference *per se*, only from interference that is against his will, and this is because of the dialectical necessity of the PHI. Albert has no moral obligation to defend his possession of the GCAs from interference that he wills (unless this is to protect the GCAs of another agent from interference against that agent's will).<sup>58</sup> But this is only possible because the PHI contributes to the form and content of the categorical imperative.<sup>59</sup> Otherwise, Williams would be right to suggest that the idea of a categorically binding impartial imperative leaves nothing 'in particular for me to be'.<sup>60</sup>

## Conclusion

I have argued that Gewirthians are Kantians in aiming to establish a categorically binding impartial principle as being connected entirely a priori with the concept of an agent as such. However, in these terms, Albert must consider humanity/agency in his person to be an end in itself only if this means that he must consider that he has the generic rights.<sup>61</sup> Kantians, therefore, ought to be Gewirthians.

This is only the beginning of the story about the relationship between Kant's own position and Gewirth's. For example, questions need to be asked and answered about the relationship between the Gewirthian argument for the PGC and Kant's 'transcendental deduction' in

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<sup>55</sup> Korsgaard, *Sources*, p. 125.

<sup>56</sup> See Korsgaard, *Sources*, pp. 126-128

<sup>57</sup> Korsgaard, *Sources*, p. 130.

<sup>58</sup> It should be clear by now that the Gewirthian view is that Albert must regard defending his having the GCAs *categorically instrumentally* (for *his* purposes) as an end in itself, and consequently must regard defending Brenda's having the GCAs *categorically instrumentally* (for *her* purposes) as an end in itself.

<sup>59</sup> Hallvard Lillehammer, *Companions in Guilt* (Hampshire: Palgrave Macmillan, 2007), pp. 41-64, accepts that the PHI is categorically binding. However, he doubts that it can be given any substantive content. If the arguments I have presented here are sound, then that is not difficult. While Lillehammer is aware that a 'categorical' imperative can be constructed out of the idea of conditions that are necessary for all possible purposes (in effect, the GCAs), he gives this only passing attention, probably because he fixes on the idea that a categorical instrumental 'ought' is not, *as such*, universalisable. If so, he (like Korsgaard) fails to appreciate that the operative role of categorical instrumental conditions is not to provide the reason for agents to accept the 'ought' to be universalised, but to provide that 'ought' (which agents must accept for reasons of dialectical necessity) with a necessary content.

<sup>60</sup> See Williams, *Ethics*, p. 70.

<sup>61</sup> Kant's Formula of Humanity is only consistent with the PGC if we read into it that it is not possible for Albert to treat *his own* humanity *merely* as a means. He necessarily respects his power of choice in whatever he chooses to do.

Chapter III of the *Groundwork* and his appeal to the Fact of Reason in *Critique of Practical Reason*; about how Kant and Gewirth, respectively, conceive of the relationship between being *an* agent and being the particular agent that one is; and about the implications of this for notions of free-will and determinism, teleology, aesthetics, and God. I hope to pursue these systematically in the future.<sup>62</sup>

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<sup>62</sup> I have written about aspects of these topics in, e.g., Deryck Beyleveld and Roger Brownsword, *Human Dignity in Bioethics and Biolaw* (Oxford: Oxford University Press, 2001) Chapter Five; and Deryck Beyleveld 'Morality and the God of Reason' (Utrecht: University of Utrecht, 2009) (ISBN: ISBN 978-90-7612-95-0). I am not completely satisfied with what I have said there; but the issues are too complex to state briefly.